**HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 1965 (S/S) of 2005**

Harshvardhan Shukla S/o Sri Brij Narayan
Shukla, Assistant Teacher,
Junior High School Uthind
Block- Ukhimath, District-Rudraprayag. ....Petitioner

**Vs**

1. Additional District Education Officer (Basic), Rudraprayag.
2. District Education Officer, Rudraprayag.
3. Additional Education Director (Basic) Garhwal Manda, Pauri Garhwal.
4. Director (Basic) Education, Uttaranchal, Dehradun.
5. state of Uttaranchal through its Education Secretary, Dehradun. .....Respondents

Sri Mangal Singh Chauhan learned counsel for the petitioner.
Sri Paresh Tripathi learned Standing counsel.

Dated:- 22-12-2005

**Hon'ble Rajesh Tandon J.**

Heard Sri Mangal Singh Chauhan learned counsel for the petitioner and Sri Paresh Tripathi learned Standing counsel for the respondent.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the impugned transfer order dated 30-06-2005 passed by the respondent No.2, District Education Officer, Rudraprayag.

Briefly stated the facts of the case are that the petitioner was initially appointed on 29-09-1993 as Assistant Teacher, Primary School Chaumasi Block Ukhimath, District- Chamoli and he rendered his service in the remotest area since 29-09-1993 to 1977. It is relevant to mention here that in 1993 this School has fallen in District-Chamoli in the year 1998. However,

District- Chamoli was bifurcated in District- Rudraprayag. Subsequently, the petitioner has been promoted on the post of assistant Teacher, (Science) Junior High School Torti Deval, District- Chamoli. It has also come in the category of the remotest area. The petitioner has rendered his service from 1997 to June 2002. Again petitioner has been transferred form Junior High School Torti Deval to Rein Deval, District Chamoli.

The petitioner has requested for inter District transfer from Chamoli to Rudraprayag due to some personal reason and subsequently he had been transferred by Director Education (Basic), Uttaranchal, Dehradun, Pauri Vide order No Basics/2536/2004-05 dated 21-9-2004 inter District Transfer/Basic/ 1/2002-03 dated 15-6-2002 from Junior High School, Torti Dabal District Chamoli to Junior High School Uthind, Block Ukhimath, District- Rudraprayag. In pursuance of the inter District Transfer the petitioner has been relieved form Junior High School, Torti, Daval District Chamoli on 23-12-2004 and resumed his service at Junior High School Uthind, Block Ukhimath, District- Rudraprayag on 5-2-2005 and since the petitioner was continuously working in the School till the impugned transfer has been passed by the respondent No.2. The petitioner has rendered his latest 12 years service in the remote area of the District Chamoli and District Rudraprayag, therefore, the petitioner is entitled to get the transfer in convenient place in pursuance of the service rendered by the petitioner in remotest area, since 1993 to 2005. The petitioner ahs been transferred by the respondent No.2 from Junior High School Uthind, Block-Ukhimath, District- Rudraprayag to Junior High School Timali, Block Jakholi, District- Rudraprayag.

The grievance of the petitioner is that although he was transferred form Junior High School Torti Daval District- Chamoli and resumed his service at Junior High School Uthind Block Ukhimath, District- Rudraprayag on 5-2-2005 but during the span of six months he has been transferred on 30-6-2005.

The petitioner has already made a representation on 30-6-2005. The respondents are directed to decide the said representation after hearing the parties within a period of three months.

The transfer order shall remain in abeyance for a period of three months from the filing of the certified copy of the order. The respondent shall consider that if the vacant seats are available as stated in the writ petition or in the representation, the same may be considered along with the representation.

However, the grievance of the petitioner is that he is not getting the salary. However, the department is directed to consider the same for payment of salary.

In view of the above directions, the writ petition is disposed of. There will be no order as to costs.

**(Rajesh Tandon, J)**

Dated: - 22-12-2005
M.K.